



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed February 21, 2025

United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:

DENNIS JAMES ROGERS II,

Debtor.

(Chapter 7)

Case No. 22-30500-SWE

AREYA HOLDER AURZADA, CHAPTER
7 TRUSTEE FOR THE BANKRUPTCY
ESTATE OF DENNIS JAMES ROGERS II

Plaintiff,

v.

FUNDERZ.NET, LLC

Defendant.

Adv. Pro. No. 24-03028-SWE

ORDER GRANTING MOTION TO DISMISS

This matter having been opened to the Court by way of the motion of defendant Funderz.net, LLC, for an Order dismissing the Amended Complaint (the "Motion to Dismiss") pursuant to Fed. R. Civ. P. 12(b)(6), applicable pursuant to Fed. R. Bankr. P. 7012, and the Court

having considered the submissions of the parties, and having heard the argument of counsel, and for other good cause shown, and for the reasons set forth on the record at the hearing on January 21, 2025 it is

ORDERED that the Motion to Dismiss is hereby **GRANTED IN PART AND DENIED IN PART**; and it is

FURTHER ORDERED that Counts A and C are dismissed without prejudice as follows:

The Trustee may replead the element of a “transfer of the property of the debtor” as to any transfers identified in the Amended Complaint as coming from an unidentified source, or from a bank account held in the name of any person other than the debtor; and

The Trustee may replead the element of “actual intent” as shown by an actual admission of intent to hinder, delay or defraud any creditor of the debtor or as shown by badges of fraud.

FURTHER ORDERED that the issue of whether the alleged facts give rise to the “Ponzi presumption” of actual fraudulent intent is deferred to trial.

FURTHER ORDERED that Counts B and D are dismissed with prejudice; and it is

FURTHER ORDERED that the Motion to Dismiss is denied as to Counts E and F; and it is

FURTHER ORDERED that Count G is deferred to trial.

END OF ORDER

APPROVED AS TO FORM:

Dated: February 10, 2025

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/s/ Micheal W. Bishop

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